

IDA LEE ANDERSON

IBLA 72-148

Decided December 15, 1971

Oil and Gas Leases: Generally

The Board adheres to its decision in Quantex Corporation et al., 4 IBLA 31, 78 I.D. (October 28, 1971), that applicants for oil and gas leases must give written acceptance of reasonable special stipulations requested by the Bureau of Land Management relating to protection of the land and surface resources as a condition precedent to issuance of noncompetitive public domain oil and gas leases.

Rules of Practice: Appeals: Dismissal

An appeal to the Board of Land Appeals will be dismissed when the appellant withdraws the appeal and complies with the requirements imposed by the Bureau of Land Management which were the subject of the appeal.

IBLA 72-148 : U 15988, 15989, 16199,

: 16200, 16201

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: stipulations required

: Oil and gas lease offers,

: Affirmed in part, appeals

: dismissed in part

### DECISION

Mrs. Ida Lee Anderson has appealed from decisions dated August 24 and 25, 1971, by which the Utah state office, Bureau of Land Management, required her to accept special stipulations as a condition precedent to issuance of noncompetitive oil and gas leases under § 17, Mineral Leasing Act of 1920, as amended, 30 U.S.C. § 226 (1970), in response to her lease offers, U 15988, U 15989, U 16199, U 16200, and U 16201. The stipulations would require the lessee to notify, in writing, the district manager, Bureau of Land Management, of any proposed operations on the leasehold which might damage the surface resources, cause water pollution, scar the public lands or induce erosion.

By letter of November 16, 1971, Mrs. Anderson withdrew her appeals on offers to lease U 16199, U 16200 and U 16201, withdrew the offers in part and accepted the required stipulations for the lands remaining in the offers.

These actions by Mrs. Anderson leave in effect her appeals as to offers U 15988 and U 15989. However, Mrs. Anderson having accepted stipulations relating to offers U 16199, U 16200 and U 16201, her contentions that the identical stipulations are arbitrary and capricious, and impose unreasonable requirements against offers U 15988 and U 15989 appear to be less than candid or bona fide.

In any event, this Board recently reviewed the requirements for special stipulations designed to protect the lands and their resources, and the authority of the Bureau of Land Management to impose them as a condition precedent to issuance of oil and gas leases,

43 CFR 3109.2 (1971), and set forth its conclusions in Quantex Corporation et al., 4 IBLA 31, 78 I.D. (October 28, 1971). That decision held that as the required stipulations are not unreasonable or unduly restrictive, and since they will not prevent the orderly development of the oil and gas resources in the lands involved, they must be accepted by the appellants or their offers will be rejected.

The Board finds no reason to disturb its previous ruling.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F.R. 12081), the appeals relating to U 16199, U 16200 and U 16201 are dismissed, and the decisions relating to U 15988 and U 15989 are affirmed. Mrs. Anderson is allowed 30 days from the date of this decision within which to submit executed copies of the required stipulations to the Utah state office, Bureau of Land Management, failing which her offers U 15988 and U 15989 will be rejected without further notice. The case files are remanded to the Bureau of Land Management for appropriate action.

Newton Frishberg, Chairman

We concur:

Martin Ritvo, Member

Anne Poindexter Lewis, Member.

